

MESSAGE NO: 8070113 MESSAGE DATE: 03/11/1998

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-428-207, C-428-208, C-428-209

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/07/1992 TO 12/31/1996

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN CARBON STEEL PRODUCTS FROM GERMANY (C-428-207,208,209) FOR THE PERIOD 12/92 THROUGH 12/96

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CASES: C - 428 - 207

C - 428 - 208

C - 428 - 209

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PERIOD COVERED: 12 07 1992 TO 12 31 1996

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN CARBON STEEL PRODUCTS FROM GERMANY (C-428-207,208,209) FOR THE PERIOD 12/92 THROUGH 12/96

1. THE PRODUCER/EXPORTER THYSSEN STAHL (THYSSEN) OF GERMANY HAS COMPLETED LITIGATION WITH RESPECT TO THE COUNTERVAILING DUTY ORDER COVERING CARBON STEEL PRODUCTS FROM GERMANY WHICH INCLUDES CARBON STEEL PLATE, COLD-ROLLED STEEL, AND CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS. ENTRIES MADE BY THIS COMPANY HAD BEEN ENJOINED PENDING THE COMPLETION OF LITIGATION. ENTRIES OTHER THAN THOSE FROM THYSSEN REMAIN ENJOINED SINCE LITIGATION AFFECTING OTHER ENTRIES REMAINS IN PROGRESS.

2. MERCHANDISE COVERED BY THE COUNTERVAILING DUTY ORDER ON COLD-ROLLED CARBON STEEL FLAT PRODUCTS (C-428-207) INCLUDE CARBON STEEL FLAT-ROLLED PRODUCTS, OF RECTANGULAR SHAPE, NEITHER CLAD, PLATED NOR COATED WITH METAL, WHETHER OR NOT PAINTED, VARNISHED OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES, IN COILS (WHETHER OR NOT IN SUCCESSIVELY SUPERIMPOSED LAYERS) AND OF A WIDTH OF 0.5 INCH OR GREATER, OR IN STRAIGHT LENGTHS WHICH, IF OF A THICKNESS LESS THAN 4.75 MILLIMETERS, ARE OF A WIDTH OF 0.5 INCH OR GREATER AND WHICH MEASURES AT LEAST 10 TIMES THE THICKNESS OR IF OF A THICKNESS OF 4.75 MILLIMETERS OR MORE ARE OF A WIDTH WHICH EXCEEDS 150 MILLIMETERS AND MEASURES AT LEAST TWICE THE THICKNESS.

MERCHANDISE COVERED BY THE COUNTERVAILING DUTY ORDER ON CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS (C-428-208) INCLUDE FLAT-ROLLED CARBON STEEL PRODUCTS, OF RECTANGULAR SHAPE, EITHER CLAD, PLATED, OR COATED WITH CORROSION-RESISTANT METALS SUCH AS ZINC, ALUMINUM, OR ZINC-, ALUMINUM-, NICKEL- OR IRON-BASED ALLOYS, WHETHER OR NOT CORRUGATED OR PAINTED, VARNISHED OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES IN ADDITION TO THE METALLIC COATING, IN COILS, WHETHER OR NOT IN SUCCESSIVELY SUPERIMPOSED LAYERS) AND OF A WIDTH OF 0.5 INCH OR GREATER, OR IN STRAIGHT LENGTHS WHICH, IF OF A THICKNESS LESS THAN 4.75 MILLIMETERS, ARE OF A WIDTH OF 0.5 INCH OR GREATER AND WHICH MEASURES AT LEAST 10 TIMES THE THICKNESS OR IF OF A THICKNESS OF 4.75 MILLIMETERS OR MORE ARE OF A WIDTH WHICH EXCEEDS 150 MILLIMETERS AND MEASURES AT LEAST TWICE THE THICKNESS. INCLUDED IN THIS ORDER ARE FLAT-ROLLED PRODUCTS OF NONRECTANGULAR CROSS-SECTION WHERE SUCH CROSS-SECTION IS ACHIEVED SUBSEQUENT TO THE ROLLING PROCESS (I.E., PRODUCTS WHICH HAVE BEEN WORKED AFTER ROLLING) - FOR EXAMPLE, PRODUCTS WHICH HAVE BEEN BEVELLED OR ROUNDED AT THE EDGES. EXCLUDED FROM THIS ORDER ARE FLAT-ROLLED STEEL PRODUCTS EITHER PLATED OR COATED WITH TIN, LEAD, CHROMIUM, CHROMIUM OXIDES, BOTH TIN AND LEAD ("TERNE PLATE"), OR BOTH CHROMIUM

AND CHROMIUM OXIDES ("TIN FREE STEEL"), WHETHER OR NOT PAINTED, VARNISHED OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES IN ADDITION TO THE METALLIC COATING. ALSO EXCLUDED FROM THIS ORDER ARE CLAD PRODUCTS IN STRAIGHT LENGTHS OF 0.1875 INCH OR MORE IN COMPOSITE THICKNESS AND OF A WIDTH WHICH EXCEEDS 150 MILLIMETERS AND MEASURES AT LEAST TWICE THE THICKNESS. ALSO EXCLUDED ARE CERTAIN CLAD STAINLESS FLAT-ROLLED PRODUCTS, WHICH ARE THREE-LAYERED CORROSION-RESISTANT CARBON STEEL FLAT-ROLLED PRODUCTS LESS THAN 4.75 MILLIMETERS IN COMPOSITE THICKNESS THAT CONSIST OF A CARBON STEEL FLAT-ROLLED PRODUCT CLAD ON BOTH SIDES WITH STAINLESS STEEL IN A 20-60-20 PERCENT RATIO.

THE COUNTERVAILING DUTY ORDER ON CERTAIN CUT-TO-LENGTH CARBON STEEL PLATE (C-428-209) COVERS HOT-ROLLED CARBON STEEL UNIVERSAL MILL PLATES (I.E., FLAT-ROLLED PRODUCTS ROLLED ON FOUR FACES OR IN A CLOSED BOX PASS, OF A WIDTH EXCEEDING 150 MILLIMETERS BUT NOT EXCEEDING 1,250 MILLIMETERS AND OF A THICKNESS OF NOT LESS THAN 4 MILLIMETERS, NOT IN COILS AND WITHOUT PATTERNS IN RELIEF), OF RECTANGULAR SHAPE, NEITHER CLAD, PLATED NOR COATED WITH METAL, WHETHER OR NOT PAINTED, VARNISHED, OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES; AND CERTAIN HOT-ROLLED CARBON STEEL FLAT-ROLLED PRODUCTS IN STRAIGHT LENGTHS, OF RECTANGULAR SHAPES, HOT ROLLED, NEITHER CLAD,

PLATED, NOR COATED WITH METAL, WHETHER OR NOT PAINTED, VARNISHED OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES, 4.75 MILLIMETER OR MORE IN THICKNESS AND OF A WIDTH WHICH EXCEEDS 150 MILLIMETERS AND MEASURES AT LEAST TWICE THE THICKNESS. INCLUDED IN THIS ORDER ARE FLAT-ROLLED PRODUCTS OF NONRECTANGULAR CROSS-SECTION WHERE SUCH CROSS-SECTION IS ACHIEVED SUBSEQUENT TO THE ROLLING PROCESS (I.E., PRODUCTS WHICH HAVE BEEN WORKED AFTER ROLLING) - FOR EXAMPLE, PRODUCTS WHICH HAVE BEEN BEVELLED OR ROUNDED AT THE EDGES. EXCLUDED IS GRADE X-70 PLATE.

351.212(C) OF THE COMMERCE REGULATIONS, YOU ARE TO ASSESS COUNTERVAILING DUTIES AT RATES EQUAL TO THE CASH DEPOSIT OF ESTIMATED COUNTERVAILING DUTIES REQUIRED AT THE TIME OF ENTRY ON THE SPECIFIED SUBJECT MERCHANDISE PRODUCED/EXPORTED BY THYSSEN OF GERMANY WHICH ENTERED ON OR AFTER DECEMBER 7, 1992 AND WHICH WAS EXPORTED ON OR BEFORE DECEMBER 31, 1996. MERCHANDISE COVERED BY THE COUNTERVAILING DUTY ORDERS ON CUT-TO-LENGTH CARBON STEEL PLATE AND CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS ENTERED ON OR AFTER APRIL 6, 1993 AND BEFORE AUGUST 17, 1993 IS NOT SUBJECT TO SUSPENSION OF LIQUIDATION OR TO THE PAYMENT OF COUNTERVAILING DUTIES. THE PERIOD WITH RESPECT TO COLD-ROLLED CARBON STEEL FLAT PRODUCTS APPLIES TO ENTRIES MADE ON OR AFTER AUGUST 18, 1993 WHICH WERE EXPORTED ON OR BEFORE DECEMBER 31, 1996.

4. THE RATES OF ESTIMATED COUNTERVAILING DUTIES WHICH WERE REQUIRED TO BE DEPOSITED ARE:

C-428-207 GERMAN COLD-ROLLED CARBON STEEL FLAT PRODUCTS
PRODUCED/EXPORTED BY THYSSEN
8/18/93 - 12/31/96 0.85 PERCENT

C-428-208 GERMAN CORROSION-RESISTANT CARBON STEEL PLATE
PRODUCED/EXPORTED BY THYSSEN
12/7/92 - 4/5/93 0.68 PERCENT
4/6/93 - 8/16/93 NO SUSPENSION
8/17/93 - 12/31/96 0.60 PERCENT

C-428-209-003 GERMAN CUT-TO-LENGTH CARBON STEEL PLATE
PRODUCED/EXPORTED BY THYSSEN
12/7/92 - 4/5/93 0.64 PERCENT
4/6/93 - 8/16/93 NO SUSPENSION
8/17/93 - 12/31/96 0.51 PERCENT

5. SHIPMENTS OF CUT-TO-LENGTH PLATE AND CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, ON OR AFTER APRIL 6, 1993 AND BEFORE AUGUST 17, 1993 SHOULD BE LIQUIDATED WITHOUT REGARD TO COUNTERVAILING

Message Date: 03/11/1998 Message Number: 8070113 Page 5 of 8

DUTIES. IN ADDITION, NO COUNTERVAILING DUTIES APPLY TO ENTRIES OF COLD-ROLLED CARBON STEEL FLAT PRODUCTS MADE BEFORE AUGUST 18, 1993.

6. THE SUSPENSION OF LIQUIDATION ORDERED FOR THE MERCHANDISE LISTED ABOVE PRODUCED/EXPORTED BY THYSSEN OF GERMANY WHICH ENTERED ON OR AFTER DECEMBER 7, 1992 AND WHICH WERE EXPORTED ON OR BEFORE DECEMBER 31, 1996 IS LIFTED. THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF THE MERCHANDISE LISTED ABOVE EXPORTED AFTER DECEMBER 31, 1996 WILL CONTINUE.
7. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER ON AUGUST 17, 1993. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED COUNTERVAILING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.
8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA EMAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, IMPORT OPERATIONS, ANTIDUMPING/ COUNTERVAILING DUTY, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT ANNE D'ALAURO THE OFFICE OF CVD/AD ENFORCEMENT VI, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, (202) 482-2786.
9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party